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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/392,127 02/22/95 FISCHER

R 2338/DAS87

EXAMINER

JENSEN, N

ART UNIT

PAPER NUMBER

DARBY AND DARBY,  
805 THIRD AVENUE  
NEW YORK NY 10022

Attorney

3502

DATE MAILED:

01/18/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-101 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☐ Claims \_\_\_\_\_ are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☒ Claims 1-101 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under: Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 3502

### **Part III DETAILED ACTION**

#### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-40 and 66-71, drawn to a method/apparatus for computerized control of clutch slip regulation, classified in Class 364, subclass 424.01.

Group II. Claims 41 and 72, drawn to a method/apparatus for clutch slip regulation, classified in Class 192, subclass 3.28.

Group III. Claims 42-53, 61-65, 80-91 and 94-101, drawn to a method/apparatus for torque-responsive clutch slip control, classified in Class 477, subclass 166.

Group IV. Claims 54-60 and 73-79, drawn to a torque converter, lockup clutch and damper, classified in Class 192, subclass 106.2.

Group V. Claims 92-93, drawn to an apparatus for engine torque-responsive clutch and transmission control, classified in Class 477, subclass 57.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II-V are related as combination and subcombinations. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. (M.P.E.P. § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombinations as claimed because combination claim 27, an evidence claim, details specifics of the subcombination not present in any of the subcombination claims. This suggests that the combination does not rely on the particulars of the subcombinations for its patentability. The subcombinations have separate utility such as in methods/apparatus for hydraulically controlled clutch slip regulation, hydraulically controlled torque-responsive clutch slip control, a hydraulically controlled torque converter/clutch/damper combination, and a hydraulically controlled engine torque-responsive clutch/transmission control.

Art Unit: 3502

3. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as use in a method/apparatus for clutch slip regulation not dependent on engine torque. See M.P.E.P.

§ 806.05(d).

4. Inventions I-III and V, and IV are related as processes and apparatus for their practice. The inventions are distinct if it can be shown that either: (1) each process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (M.P.E.P. § 806.05(e)). In this case the torque converter/clutch/damper combination can be used to regulate clutch slip based on a brake switch signal.

5. Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as use in a method/apparatus for regulation of clutch slip absent any transmission control. See M.P.E.P. § 806.05(d).

6. Inventions V and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. (M.P.E.P. § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because combination claim 92, an evidence claim, states that the regulation of the slip clutch occurs at least during acceleration of the engine. This suggests that the combination does not need the particulars of the subcombination for patentability. The subcombination has separate utility such as torque-responsive clutch slip control without transmission control.

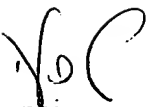
Art Unit: 3502

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Jensen whose telephone number is (703) 305-6297. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

  
noj

CHARLES H. MARMOR  
SUPERVISORY PATENT EXAMINER  
ART UNIT 3502

January 6, 1996